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15 Attorneys for Defendants

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN FRANCISCO DIVISION

19 JAY BAHADUR TAMANG,

)

No. 3:09-cv-1490 (MEJ)

20 Plaintiff,

)

21 v.

)

**STIPULATION OF  
DISMISSAL; [PROPOSED]  
ORDER**

22 JANET NAPOLITANO, Secretary, Department of  
Homeland Security; ERIC H. HOLDER, JR.,  
23 Attorney General, United States Department of  
Justice; ROBERT S. MUELLER, Director, Federal  
Bureau of Investigation; MICHAEL AYTES,  
24 Acting Deputy Director, United States Citizenship  
and Immigration Services (USCIS); DAVID  
25 ROARK, Director, Texas Service Center; and  
ROSEMARY MELVILLE, District Director, San  
26 Francisco Field Office, USCIS,

) )

[Fed.R.Civ.P. 41(a)(1)(ii)]

27 Defendants.

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1 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the parties stipulate to  
2 the dismissal, with prejudice, of the entire action as moot, defendants having performed the  
3 administrative duty to adjudicate plaintiff's application for adjustment of status, resulting in  
4 favorable adjudication for plaintiff, no cause found for denial. Each party to bear its own costs  
5 and fees, and no attorney's fees or costs under the Equal Access to Justice Act, or any other  
6 provision of law, will be sought in the above-captioned matter.

7

8 Dated: July 27, 2009

Respectfully submitted,

9  
10 TONY WEST  
Assistant Attorney General

11 DAVID J. KLINE  
12 Director, District Court Section  
Office of Immigration Litigation

13 VICTOR M. LAWRENCE  
14 Principal Assistant Director

15 /s/ Samuel P. Go \_\_\_\_\_  
16 SAMUEL P. GO  
17 Trial Attorney, District Court Section  
18 Office of Immigration Litigation  
U.S. Department of Justice, Civil Division

Attorneys for Defendants

19 Date: July 27, 2009

/s/ Sara G. Noel (with permission) \_\_\_\_\_  
20 SARA G. NOEL

21 Attorney for Plaintiff

22 **ORDER**

23 IT IS SO ORDERED.

24 Date: July 27, 2009

25 MARIE-ELEEN JAMES  
26 United States Magistrate Judge



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Stipulation of Dismissal and [Proposed] Order was served via the district court's electronic filing system on this 27th day of July 2009 to the following counsel:

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/s/ *Samuel P. Go*  
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U.S. DEPARTMENT OF JUSTICE